

117TH CONGRESS  
2D SESSION

# S. 5156

To amend the Justice for United States Victims of State Sponsored Terrorism Act to authorize appropriations for catch-up payments from the United States Victims of State Sponsored Terrorism Fund, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 30 (legislative day, NOVEMBER 29), 2022

Mr. COTTON (for himself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To amend the Justice for United States Victims of State Sponsored Terrorism Act to authorize appropriations for catch-up payments from the United States Victims of State Sponsored Terrorism Fund, and for other purposes.

1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fairness for American  
5 Victims of State-Sponsored Terrorism Act”.

1   **SEC. 2. JUSTICE FOR UNITED STATES VICTIMS OF STATE**

2                   **SPONSORED TERRORISM ACT.**

3       (a) IN GENERAL.—Section 404 of the Justice for  
4 United States Victims of State Sponsored Terrorism Act  
5 (34 U.S.C. 20144) is amended—

6                   (1) in subsection (b)—

7                   (A) in paragraph (1)(B), in the first sen-  
8 tence, by inserting “and during the 1-year pe-  
9 riod beginning on the date of enactment of the  
10 Fairness for American Victims of State-Spon-  
11 sored Terrorism Act, the Special Master may  
12 utilize an additional 5 full-time equivalent De-  
13 partment of Justice personnel” before the pe-  
14 riod at the end; and

15                   (B) in paragraph (2)(A), by inserting “Not  
16 later than 30 days after the date of enactment  
17 of the Fairness for American Victims of State-  
18 Sponsored Terrorism Act, the Special Master  
19 shall update, as necessary as a result of the en-  
20 actment of such Act, such procedures and other  
21 guidance previously issued by the Special Mas-  
22 ter.” after the period at the end of the second  
23 sentence;

24                   (2) in subsection (c)(3)(A), by striking clause  
25 (ii) and inserting the following:

1                         “(ii) Not later than 90 days after the  
2                         date of obtaining a final judgment, with  
3                         regard to a final judgment obtained on or  
4                         after the date of that publication, unless—

5                         “(I) the final judgment was  
6                         awarded to a 9/11 victim, 9/11  
7                         spouse, or 9/11 dependent before the  
8                         date of enactment of the United  
9                         States Victims of State Sponsored  
10                         Terrorism Fund Clarification Act, in  
11                         which case such United States person  
12                         shall have 90 days from the date of  
13                         enactment of such Act to submit an  
14                         application for payment; or

15                         “(II) the final judgment was  
16                         awarded to a 1983 Beirut barracks  
17                         bombing victim before the date of en-  
18                         actment of the Fairness for American  
19                         Victims of State-Sponsored Terrorism  
20                         Act, in which case such United States  
21                         person shall have 180 days from the  
22                         date of enactment of such Act to sub-  
23                         mit an application for payment.”;

24                         (3) in subsection (d)(4)—

1                             (A) in subparagraph (A), by striking “(B)  
2                             and (C)” and inserting “(B), (C), and (D)”;

3                             (B) in subparagraph (C), by adding at the  
4                             end the following:

5                             “(iv) AUTHORIZATION.—

6                             “(I) IN GENERAL.—The Special  
7                             Master shall authorize lump sum  
8                             catch-up payments in amounts equal  
9                             to the amounts described in sub-  
10                            clauses (I), (II), and (III) of clause  
11                            (iii).

12                            “(II) APPROPRIATIONS.—

13                            “(aa) IN GENERAL.—There  
14                             are authorized to be appropriated  
15                             and there are appropriated to the  
16                             Fund such sums as are necessary  
17                             to carry out this clause, to re-  
18                             main available until expended.

19                             “(bb) LIMITATION.—

20                             Amounts appropriated pursuant  
21                             to item (aa) may not be used for  
22                             a purpose other than to make  
23                             lump sum catch-up payments  
24                             under this clause.”; and

25                             (C) by adding at the end the following:

1                 “(D) LUMP SUM CATCH-UP PAYMENTS FOR  
2                 BEIRUT BARRACKS BOMBING VICTIMS, SPOUSES,  
3                 AND DEPENDENTS.—

4                 “(i) IN GENERAL.—Not later than 1  
5                 year after the enactment of the Fairness  
6                 for American Victims of State-Sponsored  
7                 Terrorism Act, and in accordance with  
8                 clauses (i) and (ii) of subsection (d)(3)(A),  
9                 the Comptroller General of the United  
10                States shall conduct an audit and publish  
11                in the Federal Register a notice of pro-  
12                posed lump sum catch-up payments to the  
13                1983 Beirut barracks bombing victims who  
14                have submitted applications in accordance  
15                with subsection (c)(3)(A)(ii)(II) in  
16                amounts that, after receiving the lump  
17                sum catch-up payments, would result in  
18                the percentage of the claims of such vic-  
19                tims received from the Fund being equal to  
20                the percentage of the claims non-9/11 vic-  
21                tim of state sponsored terrorism received  
22                from the Fund, as of the date of enact-  
23                ment of this subparagraph.

24                 “(ii) PUBLIC COMMENT.—The Com-  
25                 ptroller General shall provide an opportunity

1                   for public comment for a 30-day period be-  
2                   ginning on the date on which the notice is  
3                   published under clause (i).

4                   “(iii) REPORT.—Not later than 30  
5                   days after the expiration of the comment  
6                   period in clause (ii), the Comptroller Gen-  
7                   eral of the United States shall submit to  
8                   the Committee on the Judiciary and the  
9                   Committee on Appropriations of the Sen-  
10                  ate, the Committee on the Judiciary and  
11                  the Committee on Appropriations of the  
12                  House of Representatives, and the Special  
13                  Master a report that includes the deter-  
14                  mination of the Comptroller General on the  
15                  amount of the proposed lump sum catch-  
16                  up payment for each Beirut barracks  
17                  bombing victim and the total amount of  
18                  such proposed lump sum catch-up pay-  
19                  ments.

20                  “(iv) LUMP SUM CATCH-UP PAYMENT  
21                  RESERVE FUND.—

22                  “(I) IN GENERAL.—There is es-  
23                  tablished within the Fund a lump sum  
24                  catch-up payment reserve fund, to re-

1 main in reserve except in accordance  
2 with this subsection.

3 “(II) AUTHORIZATION.—Not ear-  
4 lier than 90 days after the date on  
5 which the Comptroller General sub-  
6 mits the report required under clause  
7 (iii), and not later than 1 year after  
8 such date, the Special Master shall  
9 authorize lump sum catch-up pay-  
10 ments from the reserve fund estab-  
11 lished under subclause (I) in amounts  
12 equal to the amounts described in  
13 clause (iii).

14 “(III) APPROPRIATIONS.—

15 “(aa) IN GENERAL.—There  
16 are authorized to be appropriated  
17 and there are appropriated to the  
18 lump sum catch-up payment re-  
19 serve fund \$3,000,000,000 to  
20 carry out this clause, to remain  
21 available until expended.

22 “(bb) LIMITATION.—Except  
23 as provided in subclause (IV),  
24 amounts appropriated pursuant  
25 to item (aa) may not be used for

#### 4                           “(IV) EXPIRATION.—

“(aa) IN GENERAL.—The lump sum catch-up payment reserve fund established by this clause shall be terminated not later than 1 year after the Special Master disperses all lump sum catch-up payments pursuant to subparagraph (II).

20 (4) in subsection (e), by striking paragraph (2)  
21 and inserting the following:

“(2) DEPOSIT AND TRANSFER.—Beginning on the date of the enactment of this Act, the following shall be deposited or transferred into the Fund for distribution under this section:

1                 “(A) CRIMINAL FUNDS AND PROPERTY.—

2                 All funds, and the net proceeds from the sale  
3                 of property, forfeited or paid to the United  
4                 States after the date of enactment of this Act  
5                 as a criminal penalty or fine arising from a vio-  
6                 lation of any license, order, regulation, or prohi-  
7                 bition issued under the International Emer-  
8                 gency Economic Powers Act (50 U.S.C. 1701 et  
9                 seq.) or the Trading with the Enemy Act (50  
10                U.S.C. App. 1 et seq.), or any related criminal  
11                conspiracy, scheme, or other Federal offense  
12                arising from the actions of, or doing business  
13                with or acting on behalf of, a state sponsor of  
14                terrorism.

15                 “(B) CIVIL FUNDS AND PROPERTY.—Sev-  
16                 enty-five percent of all funds, and seventy-five  
17                 percent of the net proceeds from the sale of  
18                 property, forfeited or paid to the United States  
19                 after the date of enactment of this Act as a civil  
20                 penalty or fine arising from a violation of any  
21                 license, order, regulation, or prohibition issued  
22                 under the International Emergency Economic  
23                 Powers Act (50 U.S.C. 1701 et seq.) or the  
24                 Trading with the Enemy Act (50 U.S.C. App.  
25                 1 et seq.), or any related conspiracy, scheme, or

1           other Federal offense arising from the actions  
2           of, or doing business with or acting on behalf  
3           of, a state sponsor of terrorism.”;

4           (5) in subsection (g)(1), by striking “(e)(2)(A)”  
5           and inserting “(e)(2)”; and

6           (6) in subsection (j), by adding at the end the  
7           following:

8           “(15) 1983 BEIRUT BOMBING VICTIM.—The  
9           term ‘1983 Beirut bombing victim’ means a plain-  
10          tiff, or estate or successor in interest thereof, who  
11          has an eligible claim under subsection (c) that arises  
12          out of the October 23, 1983, bombing of the United  
13          States Marine Corps barracks in Beirut, Lebanon.”.

14          (b) RESCISSIONS.—

15           (1) BUSINESS LOANS PROGRAM ACCOUNT.—Of  
16          the unobligated balances of amounts made available  
17          under the heading “Small Business Administra-  
18          tion—Business Loans Program Account, CARES  
19          Act”, for carrying out paragraphs (36) and (37) of  
20          section 7(a) of the Small Business Act (15 U.S.C.  
21          636(a)), \$2,982,000,000 are hereby rescinded.

22           (2) EMERGENCY RENTAL ASSISTANCE.—Of the  
23          unobligated balances of amounts made available  
24          under section 3201(a) of the American Rescue Plan

1       Act of 2021 (Public Law 117–2; 135 Stat. 54),  
2       \$3,000,000,000 are hereby rescinded.

